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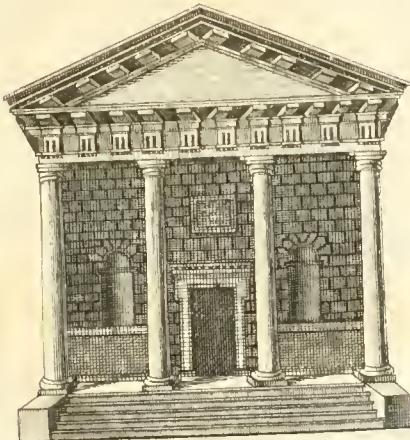
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BY MICHAEL KEARNEY, D. D.

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T O

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A D V E R T I S E M E N T.

THE publication of so small a number of lectures may require to be explained. The Professor is called upon by the duty of his office to read a lecture before the University in the beginning of every term: hence the lectures necessarily succeeding each other after long intervals, the impression of each must be effaced, or at least much obscured before the reading of the subsequent one; and the general plan must therefore be imperfectly comprehended. From this consideration, the lectures read in the course of last year are now laid before the students at one view. The slightness of the connection, which from the nature of the subject these can have with such as may follow them, furnishes another reason for their separate appearance.

L E C T U R E the FIRST.

THE instructive tendency of Historical study is at present so generally acknowledged, that to enlarge on it is unnecessary. It is indeed the boast of the present age to have cultivated history with distinguished success; and the happy execution of some late works hath illustrated and confirmed the conclusion of reason, "That history justly written must "form a fund of the most useful and engaging wisdom." The subject of history is too interesting to escape at any time the natural curiosity of man: some degree of attention has therefore been given to it even by the least civilized nations at their rudest periods. Its most early appearance seems to have been in a poetical dress. Poetry is the natural expression of that ardour of affections, and vigour of imagination, which prevailed in the beginning of society; and history offered a subject well suited to the animated form it first assumed. Nothing was so likely to call forth the enthusiasm of the first bards as the achievements of their ancestors, the heroes of their tribes, whose virtues with their blood they boasted of inheriting. Imperfect as these first

B

historical

historical essays were, yet in some respects they were preferable to the more circumstantial chronicles that succeeded them; which, confined to a dry meager detail of events, by no means displayed so just a picture of manners as the other. And a view of manners in every state of society is pleasing: facts in the early ages, if they lead not to an acquaintance with them, are little interesting. Yet it hath ever been a favourite employment of the human mind to trace backwards events even to an unfathomable obscurity: imagination hath here been indulged to an excess almost as romantic as in exploring futurity, and hath created a field of seemingly more probable, tho' equally illusive speculation, forcing its researches far beyond the limits of any means of information. Something however there is highly captivating in the earliest history even to sober minds: we cannot without pleasure contemplate the exertions of human nature in any situation. The human species is distinguished from every other by being susceptible of improvement (1). As the individual rises from the imbecility of infancy to the strength of manhood, and thence sinks into decrepitude; so has the species its stages of perfection: and to retrace the steps by which a nation, now perhaps in the fulness of refinement, ascended from barbarism to its present state, gives a pleasure irresistibly engaging. It is justly observed by Lord Bolingbroke (2), that there arise æras when new systems of causes seem to take place, independent on, and unconnected with the preceding, whose vigour in the silent lapse of

(1) Rousseau sur l'origine de l'inégalité parmi les hommes.

(2) Bolingbroke on the study of history. Let. 6.

of time seems to be exhausted: yet we find it difficult to be satisfied with beginning to study history at any of those æras. Something ever occurs, which leads back curiosity: and in proportion to our degree of penetration, to the enlarged and inquisitive turn of our understanding, will be our reluctance to acquiesce in this circumscribed, implicit manner of study. Conscious of this difficulty, and yet fearful of wasting pains and attention in the obscure and less important parts of history, some of great name (3) have been induced to recommend a retrospective study of it: that, beginning with the transactions of present times, we should proceed from effects to causes, as led by the connection; and thus proportion our attention in each period to its degree of importance and utility, taking notice only of those customs and manners, that still in some measure survive in our present usages descended from them. This method, thus plausibly supported, and farther recommended by its singular and paradoxical appearance, proceeds upon a false principle: it supposes, that we can have a full knowledge of any transaction from the single consideration of itself. Human affairs are too closely connected to admit this isolated knowledge. It is allowed, that curiosity will lead us to contemplate the cause: informed of that, we shall re-

(3) Oserois-je proposer ici une maniere d'enseigner l'Histoire, qui auroit, ce semble, beaucoup d'avantages? Ce seroit de l'enseigner *à rebours*, en commençant par les temps les plus proches de nous, et finissant par les plus reculés. Le detail, et si on peut parler ainsi, le volume des faits decroitroit à mesure qu'ils s'éloigneroient, et qu'ils seroient par consequent moins certains et moins interessans.

vert to the effect; because then only we shall be qualified to study it with profit; and thus we shall perpetually fluctuate from one event to another with curiosity ever ungratified. A more useful method it is perhaps (guided by Lord Bolingbroke's idea) to divide history into periods; and then to apply to the study of history Bacon's direction for study in general (4), "That some parts should be tasted, some swallowed, others "chewed and digested." By the proper observation of this rule we shall enter upon the more important periods well qualified to derive the instruction they convey; prepared by an acquaintance with the great leading events that have produced the system then in being, and by an inquisitive, yet well tempered research into the manners of former ages enabled to see into the origin and reason of the usages then prevalent, to understand the interest of the different powers, and to distinguish their various complications. The violence with which modern governments (by which I mean all introduced by the barbarous nations from which the present are derived, however distant in point of time) have been substituted in the place of ancient, and the total extirpation of the former laws and usages, may seem to render a retrospect of ancient history unnecessary to the study of modern. Yet a survey of the variations that have arisen in the government of ancient Rome may be found an instructive introduction to the history of succeeding times. If we do not hence derive historic information, we may however cultivate an historic spirit; an attentive review of the successive changes in any one

(4) Bacon's Essays, civil and moral. Ess. 50.

one state preparing the mind to investigate them in others; and the connected account we have of Rome, with our early and familiar knowledge of the Roman constitution in its several periods, gives it a peculiar fitness for this purpose.

BUT there seem also to be other reasons, which would recommend it to our choice.

THOUGH many writers have amused the world with political romances, they have all confined their invention to the description of what seemed to them a perfect model of government. Thus we have many Utopias and Oceanas. But no one, that I can recollect, has given us a history of the origin and successive variations of political society; inferring them either from general reasoning on the nature of man and principles of government, or, by a comparative induction, from that variety of revolutions which the history of the world affords. We have often, it is true, been told, that the corruption of one form is the birth of another; that democracy is absorbed by despotism; that each excess degenerates into the contrary extreme: yet these political conclusions want that powerful illustration which a well connected series of engaging events would give. They remain still the speculative deductions of reason: this would add the practical impression of experience. For however superior the evidence of abstract reasoning is to that of probability deduced from facts; yet, accustomed as we are to act from the one, to assent and submit to the other, the same truth when evinced even by demonstration shall not possess our imagination with that fulness of conviction

conviction which would result from a view of facts directing to the same conclusion. What had thus remained unattempted amid the numberless excursions of the human imagination, sober historic truth hath really presented to us. For while accidental causes have in all other states varied or interrupted that order of revolutions which reflection on the nature of man and government might teach us to expect, precipitating some great changes, and retarding or preventing others; such hath been the distinguished fate of ancient Rome, that its history offers us a regular series of all the vicissitudes of government, that by reasoning à priori we could infer to be probable in political society: so that, were it now to make its first appearance in the world, it would seem the happy product of a philosophical imagination, exemplifying by a detail of the revolutions in an ideal commonwealth the successive changes that occur in the history of society. A survey of Roman history considered in this light will, I hope, be not unattended with instruction. Seeds at least will be here collected, to be matured by future reflection. Where the coincidence is real, you will contemplate it with the pleasure ever raised by the observation of unexpected resemblance. Where only fanciful, your candour will be induced to pardon my errors by remarking, that the detection of these very errors is not without utility, engaging you in a closer attention to the history of society and Rome, objects of real dignity and importance.

It is now universally acknowledged, that the general consent of the people can alone supply a legitimate foundation of government: and although various occasions may in fact give origin and

and establishment to political societies, yet the consent of the members, either expressly declared, or implied from their acquiescence, is necessary to place it on a rightful basis (5). When the defect of this support to most forms was objected to Locke, the origin of Rome naturally occurred to enforce his theory. We do there indeed find a voluntary union actually giving birth to a new commonwealth.

THE form of polity, that would first emerge in this nascent state of civil society, would probably be monarchical. To this the transition was easy from their domestic patriarchal government, as soon as by multiplication and dispersion of the species the connection of blood was dissipated: its simplicity, and therefore ready occurrence, would recommend it to a rude unrefining people; and above all, its ability of repelling external dangers, to guard against which was the leading motive to associate. But this primeval government, although monarchical, would not be absolute. Unreserved submission could not be expected from persons voluntarily associated, and not yet trained to suppress the liberal sentiments of nature. Neither an experienced sense of the tendency of power to corrupt its possessor, nor a sagacious foresight of the dangerous consequences that might

(5) He must shew a strange inclination to deny evident matter of fact, when it agrees not with his hypothesis, who will not allow, that the beginning of *Rome* and *Venice* were by the uniting together of several men, free and independent of another, amongst whom there was no natural superiority or subjection.

might flow from conferring the undivided magistracy upon *one*, could, it is true, have dictated a precise definition of regal rights. But any oppressive extension of them would be vigorously checked by the hitherto undiminished feeling of natural independency that man untutored by the sophisms of society shares, by the reluctance of nature to submit to power not apparently exerted for some useful end, and by the incessant voice of instinct directing to purchase every advantage at the least expence of original liberty. The existence of a monarchy thus constituted could not be permanent; where the prerogative was not ascertained by lines accurately and formally drawn, (a recollection of which many acts of sovereignty must obtrude upon the prince) but depended upon the varying degrees of sufferance in the subjects, sometimes by acquiescence tempting to a new abuse of power, sometimes rushing to resistance against the salutary exertion of authority. Short lived must that government be, where a prudent attention of the prince to the feelings of his people is to supply the place of regular constitutional direction.

To this form the aristocratic must succeed. In every assemblage of men some are raised above the rest; in the rudest state of society by natural talents, and, wherever property is known, by various accidental advantages. But besides this unavoidable distinction, during the regal state the aristocratic party would rise to power. Early monarchy was neither perfectly hereditary, nor regularly elective. It was to be expected, that the son should aspire to the succession of his father; that the people should generally submit to the government of him, whom they had been accustomed

accustomed to view illumined by the rays of royalty, whom paternal partiality had enabled to acquire merit above rivals of equal worth. But though the modesty of these simple times discouraged factious competition, yet its bold liberal spirit would often spurn the degenerate son (6), and naturally seek a chief who might more worthily fill the place of their admired prince: nor would ambition be ever so languid as not to raise claimants for a prize so alluring. This interruption in the succession must engender some degree of division. The ejected family could not be entirely without partizans. Hence the reigning prince would sometimes have a disputed title. To support and establish this, he would endeavour to attach to his cause the most powerful of his subjects (7). Possessed of little means of personal corruption, he would be tempted to bribe by a division of his power: and hence gradually would grow an aristocratical faction, powerful enough at last to extirpate royalty. Those persons who had risen to distinction during the regal state would unavoidably take the lead in the resistance and suppression of tyranny. Thus acquiring merit with the people, they are permitted to establish their power, and succeed to the place of the ejected monarch.

C

Mutual

(6) Preference of Tarquin to the sons of Ancus, and of Servius to those of Tarquin.
Livy, Lib. 1.

(7) *Nec minus regni sui firmandi quam augendae reipublicae memor, centum in Patres legit Tarquinius: factio haud dubia Regis, cuius beneficio in curiam venerant.*
T. Livii, Lib. 1. c. 35.

The chief influence of the aristocracy, which succeeded to the regal government, was founded on the *comitia centuriata* introduced by Servius, who reigned with a disputed title.

Mutual jealousy confirms their equality. Actuated by a cautious distrust of each other, they watch and depress every appearance of superiority among the members of their order with a vigilance equalled only by the exclusive spirit with which they confine every privilege to it. That the Persian conspirators against the Magi rather hearkened to the advice of Darius, and restored monarchy, than to the aristocratic arguments of Mabyzus (8), may seem to contradict this opinion. But we must remember, that the small number associated inspired each conspirator with hope of success; and, as is the nature of ambition, each preferred the doubtful but splendid prospect of undivided power to the less dazzling but more certain possession of moderate authority. It might seem too systematic to assert, that the Consular government sprang from aristocratic principles with any peculiar propriety. But we may venture to say, that something of this sort must have been instituted; that the power of the body must have been delegated to some Doge, some Archon, some Suffete: and a temporary, perhaps even annual, permission of it would be naturally dictated by the general jealousy of the order, and the personal ambition of each individual.

So far it seems, that the great changes in the constitution of Rome accord with such as might be expected in political society: and equal conformity will be found in the subsequent great revolutions. Even many of the subordinate incidents, the minuter

(8) Herod. *Thalia*, c. 82.

nuter variations, seem of that sort; and to have arisen on such occasions, and from such causes, as distinguish them from the succession of events in every other history. These indeed are equally the result of human affections naturally exerted: but the former possess a distinctive character of coincidence with such as might be foreseen by an intelligent observer of the progress of civil society.

L E C T U R E · the S E C O N D.

TO enforce the observation that concludes the preceding lecture, let us for a moment consider the history of Rome as a political romance, intended to illustrate by an interesting series of imaginary events the history of the origin and successive variations of society, which the author had collected either from general reasoning on the nature of man and principles of government, or, by a comparative induction, from that variety of revolutions which the history of the world affords. We must admire as well the deep political knowledge, as the artifice of its author. He hath nursed his infant commonwealth under the fostering shelter of kingly government; and (1) knowing that,

though

(1) It is quaintly observed by Harrington, “ That a parliament of physicians would never have found out the circulation of the blood, nor could a parliament of poets have written Virgil’s *Æneis*; of this kind therefore in the formation of government is the proceeding of a sole legislator. But if the people without a legislator set upon such a work, by a certain instinct that is in them, they never go further than to choose a council; not considering that the formation of government is

though judgment may be best exerted in a select assembly, yet invention is most perfect in a single person, he hath ascribed the formation of his city and the establishment of the fundamental orders of the state to a series of single persons, and hath diversified their characters (2) so as to introduce with probability every military, religious, and civil institution; and when, as Livy observes (3), the state had attained maturity, had acquired that firmness

is as well a work of *invention* as judgment; and that a council, tho' in matters laid before them they may excel in judgment, yet *invention* is as contrary to the nature of a council as it is to musicians in consort, who can play and judge of any air that is laid before them, tho' to invent a part of musick they can never well agree."

Harrington's Polit. Aphor. c. 5. Aphor. 18.

And Machiavel to the same purpose says, " E debbesi pigliare questo per una regola generale, che non mai, ó di rado, occurre ch' alcuna repubblica ó regno sia da principio ordinato bene, ó al tutto di nuovo fuori delli ordini vecchi reformato, se non è ordinato da uno;" and then with his usual relaxed morality upon this principle justifies the removal of Remus, " conviene bene che accusandolo il fatto, " l'effetto lo scusi; e quando sia buono, come quello di Romolo, sempre lo scusera; " perche quello che è violento per guastare, non quello che è per racconciare, si " debbe riprendere.

Discor. di Machiavell. L. 1. c. 9.

(2) *Sub regibus septem, quâdam fatorum industriâ, tam variis ingenio, ut rei- publicæ ratio et utilitas postulabat.*

L. Ann. Flor. L. 1. c. 8.

(3) *Neque ambigitur, quin Brutus idem, qui tantum gloriæ Superbo exacto rege meruit, pessimo publico id facturus fuerit, si libertatis immaturæ cupidine priorum regum alicui regnum extorsisset —— Dissipatæ res nondum adulteræ discordiâ forent: quas sovit tranquilla moderatio imperii, eoque nutriendo perduxit, ut bonam frugem libertatis maturis jam viribus ferre possent.*

T. Livii, Lib. 2. c. 1.

firmness of constitution which enabled it to repel external assaults and reject inward distempers, he removed the shade so necessary to guard the gradual opening of infancy, and yet so likely to check the luxuriance of youthful ambition ---- he gave it liberty. Nor does he seem less judicious in imagining the occasion, than in fixing the æra of this change. It is a political maxim, "That the people cannot see, but that they can feel,"--- they cannot nicely scrutinize errors in government, but are roused by galling oppression ---- mindful of this, he hath introduced them prepared for resistance by long continued severity(4), and at last provoked by a sensible occurrence, by an act of violence which interested a combination of passions to extirpate tyranny. Nor was it possible that indignation at oppression, inflamed to enthusiasm by admiration of the virtue and sympathy in the fate of the injured, should not extend beyond the single perpetrator. The power which tempted to such crimes was the natural object of resentment(5), and it was accordingly suppressed. To the regal, it was observed before, that the aristocratic form would succeed: but not a pure aristocracy. Such hath seldom existed. The nearest approaches to it have been made through a long course of time; and the people have been seduced

(4) *De vi et libidine Sexti Tarquinii, de stupro infando Lucretiæ et miserabilis cœde, de orbitate Tricipitini, cui morte filiæ causa mortis indignior et miserabilior esset: addita superbia ipsius Regis, miseriæque et labores plebis in fossas cloacasque exhaustandas demersæ.*

T. Livii, Lib. 1. c. 59.

(5) *Jurejurando populum adegit, se neminem Romæ passuros regnare.*

T. Livii, Lib. 2. c. 1.

duced into acquiescence by long continued systematic craft: but here succeeding to monarchy limited as that of the first princes probably was, it would be invested with powers equally bounded. The people however were flattered with a greater share of power in appearance than reality. The election of magistrates and enaction of laws were permitted to them; while the great confined to themselves the right of being elected, with the power of proposing and confirming these laws. In this situation struggles between the orders must soon arise.

(6) MODERATION in the governing part is ever necessary to recommend aristocracy: yet this virtue never prevails, unless inspired by present fear, or inculcated by experience of the mischiefs flowing from the neglect of it. Thus we are told (7), the popular manners of the magistrates and their paternal tenderness to the people continued as long as the attempts of the expelled prince to recover his station might encourage his subjects to seek a remedy against present oppression in a return to their former oppressor, now made wiser by his sufferings. But when this resource seemed cut off by his death, and the continuance of a few years had given that stability to the senate's

power

(6) L'esprit de moderation est ce qu'on appelle la vertu dans l'Aristocratie: il y tient la place de l'esprit d'égalité dans l'Etat populaire.

Esprit des loix, l. 5. c. 8.

(7) Nuncio mortis Tarquinii erexit Patres, crecta Plebs; sed Patribus nimis luxuriosa ea fuit laetitia: Plebi, cui ad eam diem summâ ope inservitum erat, injuriae à primoribus fieri cœpere.

T. Livii, L. 2. c. 21.

power which a new establishment never possesses (8), the people began to feel that they had changed the form rather than the nature of their government --- they found that they wanted protection against the assertors of their liberty. The first disputes would not probably arise from political, but personal grievances. A simple people, quietly enjoying the fruits of their industry, and whose generous unobserving spirit is not yet agitated by indignity, would without murmur permit to the selected part of the community the discussion of political questions, in which they do not conceive themselves to be interested, until they feel their consequences in private oppression: and (9) among instances of oppression hath been chosen a grievance, which one of the earliest divisions of mankind in society would soon give rise to. Here again a sensible occurrence (10), as Montesquieu hath remarked, would be necessary to rouze them to action. It may perhaps seem rash to say, that *secession* was the most natural mode of seeking redress: yet let us consider the situation of the people. We may well doubt, whether violence could be expected from a people, whose spirits were broken by the nature of the oppression complained of: and from the severity of those

D to

(8) *Libertatis autem originem inde, magis quia annum imperium consulare factum sit, quam quod diminutum quicquam sit ex regia potestate, numeres.*

T. Livii, L. 2. c. 1.

(9) *Civitas secum ipsa discors, intestino inter patres plebemque flagrabat odio, maximè propter nexos ob cæs alienum.*

T. Livii, L. 2. c. 23.

(10) *Invidiamque eam suâ sponte gliscentem insignis unius calamitas accedit.*

T. Livii, L. 2. c. 23. et seq.

to whom hitherto they had looked up with filial affection what refuge could occur but flight? That they should extort as well a protection against future, as a redress of present oppression, is natural: yet that there is any peculiar propriety in the method chosen, I will not venture to assert. However as this institution of the *tribunate*, from its singularity and important influence on the affairs of Rome, is among the most remarkable described in the history of antient times, I may be permitted to lay before you some reflections relative to it, though not immediately directed to illustrate the scope of these lectures.

(11) A QUESTION hath been proposed by Cicero concerning the utility of this office; which, though a zealous aristocratic, he hath decided in its favour. The violence of a fierce ungoverned multitude he thought more terrible than any exertion of its force directed by authority, however factiously influenced. It is the opinion of Machiavel (12), that seditions were unavoidable in

(11) *Ego in istâ ipsâ potestate inesse fateor quiddam mali: sed bonum, quod est quæsumum in eâ, sine isto malo non haberemus.* Nimia potestas est Tribunorum plebis. *Quis negat?* Sed vis populi multò sævier multoque vehementior, quæ, ducem quod habet, interdum lenior est quam si nullum haberet: dux enim suo periculo progredivit cogitat; populi impetus periculi rationem sui non habet. At aliquando incenditur. *Et quidem sæpè sedatur.* *Quod enim est tam desperatum collegium, in quo nemo è dæcim sanâ mente sit?*

Cicero de legibus, L. 3. c. 10.

(12) Si vede come a' legislatori di Roma era necessario una delle due cose, à volere che Roma stesse quieta, ó non adoperare la plebe in guerra, come i Veneziani, ó non aprire la via a' forestieri, come gli Spartani. In modo che volendo Roma levare le cagioni de' tumulti, levava ancora le cagioni dello ampliare.

Disc. di Macchiavelli, L. 1. c. 6.

in Rome, unless the genius and spirit of the people and government had been changed ; that internal tranquillity must have been purchased by resigning its fitness for acquiring empire. If seditions could not be precluded, Tribunes were useful. By them they were rendered perhaps more frequent, but certainly less dangerous. This constitutional mode of defence (or attack, as it afterwards became) was substituted in the place of that violence, to which the multitude would otherwise rush ; and the *sacrosanct* character of the Tribunes averted the use of force even in the most spirited resistance of their attempts. And to this institution we may in a great measure ascribe the bloodless nature of the first Roman seditions ; while the Greeks, a people of less ferocity, at least than the early Romans, because destitute of this temperament, were inflamed to acts of the utmost cruelty. It may be proper to observe, that the annual duration of this office contributed as much to the increase of the people's power, as the rotation of the consulate to the extension of empire. Each tribune was ambitious to signalize his magistracy by some new acquisition, and perpetuate his memory by giving his name to some law in favour of the people.

AFTER the institution of the tribunate, we find the people actuated by a stronger spirit of enterprize ; their endeavours to diminish the power of the senate, more regular and systematic. Yet, whatever deviation this infusion of private ambition may have introduced from that coincidence we have remarked between the history of Roman revolutions and the progression of

political society, we may still observe, that the attempts of the people were directed towards the most natural objects, and in the most natural order. The peculiar privileges and exemptions in an aristocracy, enjoyed by the few, are ever the objects of the people's jealousy. The subjects of a monarchy often fancy, that they borrow lustre from the superior splendor of their prince: those of an aristocracy seem ever obscured by that of their fellow citizens. Thus the first new power acquired by the tribunes for the people (13), that of trying and condemning Patricians, was especially calculated to please the levelling disposition of the people. Guarded thus against oppression by the establishment of constitutional protectors, and having their impatience of inferiority in some measure gratified by this acknowledgment of the dependence of every Noble however eminent on the collective body of the people, they would without resistance submit to the senate the conduct of external affairs; as in fact they continued to do even to the latest time of the republic. For, however necessary it was to submit to their decision the final question of war or peace, they contradicted the resolution of the senate in very few instances: so that, in the time of Polybius (14), the Roman government seemed to strangers aristocratical.

(13) By the trial and condemnation of Coriolanus in the *tributa* comitia.

Dion. Hal. L. 7.

(14) Πρὸς δὲ τὸν δῆμον καθάπταξ ἔδει ἐσι τῶν προερημένων. Εξ ὧν πάλιν, ὅπότε τις ἐπιδημήσαι μὴ παρόντως ὑπάτε, τελείως ἀριστοκρατίῃ φαίνεται, η πολιτεία. Ο δὴ καὶ πολλοὶ τῶν Ελλήνων, ὁμοίως δὲ καὶ τῶν βασιλέων, πεπεισμένοι τυγχάνουσι, διὰ τὸ τὰ σφῶν πράματα σχεδὸν πάντα ωρὸς τὴν Σύγκλητον κυρῖν. Polyb. Hist. VI. 11. sub fin.

aristocratical. Equal acquiescence could not be expected in other matters. The same sensibility that inflamed them against former oppression would urge them to detect certain excesses of power in the magistrates. And of all others that which is in its nature most intolerable, and most frequently obtrudes itself on the feeling of the people, is a discretionary power in the distribution of justice. In the modern Italian republics, which are mostly of the aristocratic form, it is an acknowledged maxim, that the quiet submission of the people must be ensured by their finding “Bread in the market, justice in the palace;” and whatever refinements of corruption the administration may in other respects adopt, attention to their own continuance in power extorts from the leading part a cautious distribution of justice. To discern therefore the exorbitance of the magistrates power, in this respect the people were instinctively led (15); and the grievance directed to the proper remedy, the enactment and promulgation of a Code of permanent and equal laws, composed in general of those traditional usages of their own to which long custom had given a binding power, and of institutions adopted from the most celebrated of the neighbouring states.

THE next great object of popular contention, we find, was the communication to the people of those high magistracies originally

(15) *In consulare imperium tanquam nimium, nec tolerabile liberæ civitati, in-
vehebatur, &c.* T. Livii, L. 3. c. 9. & seq. concerning the promulgation and en-
action of the Lex Terentilla.

ginally confined to the nobles. To have made an earlier claim of this privilege would not have been in the natural order of human pursuits. The necessary provision for safety and independence naturally precedes the superfluous aspirings of ambition: and yet an abundant possession of the first disposes the mind to yield to the cravings, and labour the gratification of the other. Besides the people were now habituated to contest. Inactivity in the forum was as insupportable as in the field: and the Patricians had as strong a prescriptive right to their hostility as the *Æqui* and *Volsci*. Yet perhaps, had not the Tribune been established, the Consulship would not so soon have been claimed by the people. These leaders, having been accustomed in their frequent contests to oppose personally the first Patrician magistrates, would not without inward indignation feel themselves excluded from the most dazzling appendages of power: their martial ambition was checked by an absolute incapacity of reaching its first honours; while at home, however invested with real authority, they were denied all those flattering circumstances of respect and distinction (16), which, though seemingly trivial, have a most forcible effect on the mind, and often excite the desire of power, and endear its possession. That the demand of the consulship was thus somewhat accelerated, is confirmed by the hesitation of the people to confer it on one of their own body. Able as their tribunes seemed in civil contests, they could not easily be induced to prefer them to those families under

(16) Vid. Liv. L. 6. c. 34. concerning the motive that induced Fabius to support the Licinian rogation. *Eosdem propediem visuram honores, quos apud seorem videat.*

under whose leading they and their fathers had so often conquered: and we hear the repulsed popular chiefs sometimes reproaching the people with ingratitude (17). Nor did they subdue this reluctance, until by an express law it was made necessary to elect one consul from the people (18). With this law another was joined, limiting the acquisition of landed property; which may be considered as the second grand pillar of democracy: for at this period democracy seems to have been fully established on this power of the people to raise by their suffrages to any magistracy (for a free access was soon opened to all) every citizen without distinction, and on the limitation of private property. The latter law was a necessary support to the other: for where an unlimited acquisition of property is permitted, one part of the community must be dependant on the other. By the gradual violation, and at last total oblivion of this law, a new aristocracy arose, different from, and more fluctuating than the former.

THUS have I attempted to engage your attention by an account of the progressive variations of political society, illustrated in the history of this celebrated state. I have traced government
from

(17) *Conciones tribunorum objurgantium multitudinem, quod admiratione eorum quos, odisset stupens, in æterno se ipsa teneret servitio . . . ne in tribunis quidem militum creandis (quæ communia essent comitia patrum ac plebis) aut sui aut suorum meminisset . . . petisse viros domi militiæque spectatos: primis annis fugillatos, repulso, risui patribus fuisse.* T. Livii, L. 4. c. 35.

(18) *Vid. Livii, L. 6. c. 35. & seq.*

from its origin, voluntary association, to its primeval form, limited monarchy; marked the nature of the first limitation; shewn how the regal is converted into an aristocratic form. I have ventured by a particular detail of the Roman variations to mark the steps by which aristocracy is expanded into democracy. I shall continue this enquiry; as I imagine, the coincidence hitherto observed holds in the succeeding changes of the Roman government, through a second and different aristocracy, to its final extinction in military despotism, the abyss of every form.

L E C T U R E the T H I R D.

WE have followed Rome from voluntary association, through an irregular limited monarchy, and its supplanter aristocracy, to democracy, which seems to have been consummated by the enactment of the Licinian laws. The two great innovations that remain, aristocracy from influence, and a species of military despotism, will be found, equally with the other links, to be regularly arranged in the gradation of civil society. But as the minuter incidents in the subsequent history do not, like those in the earlier part, bear any special resemblance to them that occur in what may be called the philosophical progress of government, I may be permitted, without danger of withdrawing your attention from the leading idea, to make such remarks as may arise in a review of this part of Roman history.

BEFORE the promulgation of the Licinian laws, we find the people as a collective body had extorted from the senate the principal constituents of sovereign authority. By the

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Valerian

Valerian (1) law an acknowledgment was made, that the people were the fountain of judicial power, and that the sentence of every tribunal was subject to their revision; and by the precedent introduced at the trial of Coriolanus was acquired to the people assembled in their most (2) popular form a right of judging the most distinguished patricians; and, not to (3) mention other most important laws, their paramount legislative power was recognized by the Horatian (4) law, declaring that Plebiscites, or laws enacted under the presidency and at the proposal of a plebian magistrate, should bind every member of the community.

ALTHOUGH the people in their collective capacity were thus possessed of every essential branch of sovereignty, there remained wanting to establish a perfect political equality an admission of all citizens without distinction to magistracies, and a precautionary law to prevent the engrossing of property by a few individuals from sapping the popular power; and this defect was supplied

(1) *Lex de provocatione adversus magistratum ad Populum, quam promulgavit Valerius Poplicola.* T. Livii, L. 2. c. 8.

(2) *Tributa comitia.*

(3) Among laws establishing the power of the people, that ought not to be omitted, which provided, that “*legum, quæ comitiis centuriatis ferrentur, ante initum suffragium patres auctores fierent.*” T. Livii, L. 7. c. 12.

(4) *Quum in controverso jure esset, tenerenturne Plebiscitis, legem centuriatis comitiis tulere Coss. Horatius et Valerius, ut quod tributum plebes jussisset populum teneret.* T. Livii, L. 3. c. 55.

supplied by the institutions of Licinius. The popular government thus established at Rome wanted the simplicity of the Athenian democracy. At Athens, after the battle of Platæa, as at Rome, all citizens were eligible into all offices. In both the assembled people possessed a deliberative and enacting power. I mention deliberative, because it has been thought so important by some, as to be deemed the criterion (5) of a popular form, even in states where in other respects the powers of the people were under great restrictions. But at Athens, the senate was the creature of the people, elected annually by them: at Rome, although private senators derived from the people their appointment to honours, yet, as a body, the senate was permanent and independent. The second of the Licinian laws, that which set limits to the acquisition of landed property, could not long continue inviolate. Ordinary sanctions are not sufficient to enforce the observance of a law, which men are urged to transgres by so powerful and incessant temptations. Some artifice must be applied to weaken the force of appetite by increasing the difficulty of indulgence, or to redress that infraction of the law which circumstances might make it impossible or imprudent to prevent: and thus by different methods proceeded the legislators of Lacedæmon and Israel. In the common-

(5) And now the riddle which I have heretofore found troublesome to unfold is out; that is to say, why Athens and Lacedæmon, consisting each of the Senate and People, the one should be held a Democracy, and the other an Aristocracy. The main difference was, that the people in this had the *result* only, in that the *debate* and result too.

wealth of Israel (6), the Agrarian was doubly fenced: by the abolition of debts every seventh year so great an accumulation of them was prevented, as might necessitate the debtor to alienate land; but should such an alienation take place, it would necessarily be corrected at the year of Jubilee, or every fiftieth year, when by the law of Moses all alienated lands were to revert, free of all incumbrances, to the families of their original proprietors. Besides, by a variety of peculiar circumstances, and the general tenor of their religious and civil policy, the Israelites were secluded from all intercourse with strangers. Sparta, although equally with Rome a military state, yet being formed for continuance, not for increase, admitted with more facility institutions tending to prevent any violation of the Agrarian law. It is evident, that an equal or limited possession of lands cannot long continue, where opportunity invites to, and the

(6) And ye shall divide the land by lot for an inheritance among your families; and to the more ye shall give the more inheritance, and to the fewer ye shall give the less inheritance; every man's inheritance shall be in the place his lot falleth, according to the tribes of your fathers ye shall inherit. NUM. c. 33. v. 54.

According to Lowman's estimate, each individual had 25 acres.

At the end of every seventh year, thou shalt make a release. And this is the manner of the release: Every creditor, that lendeth ought unto his neighbour, shall not exact it of his neighbour, or his brother, because it is the Lord's release.

DEUTER. c. 15. v. 1, 2.

Ye shall hallow the fiftieth year, and proclaim Liberty throughout all the land, unto all the inhabitants thereof: It shall be a Jubilee unto you, and ye shall return every man to his possession, and ye shall return every man to his family. —— The land shall not be sold for ever, for the land is mine, for ye are strangers and sojourners with me.

LEVIT. c. 25. v. 10, and 23.

the laws do not check, an unbounded acquisition of other property: but at Sparta, the two great sources of an influx of wealth were stopped, commerce and (7) conquest; and even that little superiority of property which domestic industry could produce was deprived of its influence by the prohibition of gold and silver money.

ONE cannot think of Sparta, whatever may have drawn our attention to it, without observing the extraordinary dissimilitude between that city and its neighbouring and rival state. The legislators of Athens and Sparta might be thought to have intentionally contrasted their institutions. The Spartan derived the vigour of his state from its poverty; the Athenian, that of his, from its wealth: the Athenian aimed at naval power; the Spartan (8) by an express law prohibited his citizens from engaging in maritime affairs: from Lacedæmon all arts, but the military, were excluded; so encouraged were they at Athens (9), that a

parent

(7) The military institutions of Lycurgus were intended for the defence of the state: that he wished to prevent an extension of its dominion, appears from the tendency of many of his regulations, as the exclusion of strangers, prohibition of attempting to erect a naval power, &c. when his citizens inattentive to the spirit of their discipline became conquerors, then as Machiavel observes, " Soon followed the ruin of the Republic."

(8) Απείρητο δὲ αὐτοῖς νάυλαις εἶναι καὶ ναυμαχεῖν. Plutarch. in Læconicis.

(9) Πρὸς τὰς τέχνας ἐτρεψε τὰς πολίτας καὶ νόμον ἐγράψεν, ώτε τρέφει τὸν πατέρα μὴ διδαξάμενον τέχνην ἐσάνασκες μὴ εἶναι.

Plut. in Solone.

parent who had neglected to instruct his son in some art of industry was divested of that natural right which the helpless decrepitude of the aged has to maintenance from the labour of his offspring: strangers (10), excluded from Sparta, in the figurative language of their gratitude called Athens the temple of hospitality.

BUT to return to the state of Rome----the character of the Romans and some peculiarities of their situation and progress precluded one source of corruption. Rome was never (11) a commercial state----I mean in any eminent or dangerous degree ---- yet some vestiges of commerce occur, particularly in the (12) early

(10) Τοῖς Αθηναίοις νόμῳ ἦν, εἰσδέχεσθαι τὰς ξένους.

Οθεν καὶ ἀνομάζοντο φιλόξενοι τοῖς πᾶσι.

Τοῖς Λάκωνις δὲ νόμος ἦν, τὰς ξένους ἀπελαύνειν.

Tzetzes Chiliad. 7. Hist. 130.

(11) Vid. Taylor's Elem. Civ. Law, concerning commerce discouraged by the Romans as prejudicial to the state, p. 497.

(12) In the first treaty between the Romans and Carthaginians, made shortly after the Regisuge, we find it stipulated, that the Romans should not sail beyond the Fair Promontory; and if forced by bad weather or an enemy, should depart within five days, without purchasing any thing except necessaries for refitting their ships, or for sacrifice: clauses also occur in favour of Roman Merchants in Sardinia and Afric as to the exaction of duties and security of payment.—Polybius who recites the treaty (L. 3. c. 3.) observes, that the Carthaginians would not permit the Romans to sail to the southward of the Fair Promontory, lest they should acquire a knowledge of the country about Byzacium and the little Syrtis, which on account of its richness was called the *Markets*: So jealous were they of the extension of the Roman commerce.

early treaty with Carthage, and in (13) the law which prohibited senators from having ships above a certain burthen.

If the genius of the Roman policy guarded their Agrarian law against danger from commerce, it exposed it to, and indeed invited the assaults of a more formidable enemy, conquest. This was the grand object of every Roman institution, from the rustic procession in honour of Feretrian Jove, to the dazzling inhumanity of the conqueror of Perseus. Notwithstanding this early and uniform spirit of conquest, the acquisitions in the first centuries were slowly made and unimportant. It has been observed by Polybius (14), that in fifty-three years the Romans conquered the world; taking his date from the conclusion of the Samnite war: and literally speaking, in that space of time they mastered every obstacle that could impede the erection of their monarchy. Yet Rome had existed above four hundred years before this æra, and had been engaged in perpetual war. But besides the difficulties of extending dominion that arose from the warlike spirit of their neighbours, and the equality of their force,

(13) *Ne quis Senator, quive Senatoris pater fuisset, maritimam navem, quæ p'us quam trecentarum amphorarum esset, haberet. Id satis habitum ad fructus ex agris vectandos; quæstus omnis patribus indecorus visus.* T. Livii, L. 21. c. 63.

(14) Τίς γὰρ ὅτως ὑπάρχει φαῦλος ἢ ἔρθυμῷ ἀνθρώπων, ὃς ἐκ ἀνθελούτο γνῶναι, πῶς, καὶ τίνι γένει πολιτείαις, ἐπικρατηθένται σχεδὸν ἀπαντα τὰ κατὰ τὴν οἰκεμένην ἐχ ὄλοις πενήκοντα καὶ τρισὶν ἔτεσι, ὑπὸ μίαν ἀρχὴν ἐπεσε τὴν Ρωμαίων; ὃ πρότερον ἐχ εὐρίσκεται γενούς. Polyb. Hist. I. initio.

force, the state of early Rome was unfavourable to conquest. For though much has been said on the tendency of the Roman constitution to extend dominion by obliging the senate to purchase quiet at home by war abroad, no great conquest could take place before the settlement of domestic tranquillity by the laws of Licinius. The early seditions contributed indeed to preserve the martial spirit, but were adverse to conquest. Had the regal government continued under a series of princes enterprizing as the ancient kings, Rome would probably have been a century sooner mistress of Italy. Internal union being solidly established, the military institutions no longer checked or controuled by civil dissension exerted their full influence, and their fruits were the rapid success described by Polybius. To oppose the consequences of this prosperity the Agrarian was insufficient, unsupported as it was by firm subsidiary institutions; for it was not entirely unprotected. It derived some assistance from the *Leges usurariæ*, first reducing the rate of interest, and at last abolishing the usage, and from the *(16) Cincian law* prohibiting advocates

(15) Sane vetus urbi fœnibre malum, et feditonum discordiarumque eruberrima causa: coque cohiebatur antiquis quoque et minus corruptis moribus. Nam primo duodecim tabulis fœnatum, ne quis unciario fœnore amplius exerceret, cum antea ex libidine locupletium agitaretur: dein rogatione tribunitiā ad semuncias redacta: postremo vetita versura, multisque plebiscitis obviam itum fraudibus, quæ totiens repressæ miras per artes rursum oriebantur. Tac. Ann. L. 6. c. 16.

(16) Lege Cincia cavitur antiquitus, ne quis ob causam orandam pecuniam domum accipiat. Tac. l. 11. Ann. c. 5. *Quid legem Cinciam de donis et muneribus excitavit, nisi quia vestigialis et stipendiaria plebs esse senatus cœperat?* T. Liv. 34. c. 3. This law passed at a time when the vigour of the Licinian laws had much declined, and was supported by Fabius Maximus then in a very advanced age. Vid. Cicero de Senect. c. 10.

vocates from taking fees, and therefore preventing the people from becoming tributary to the great, who before the publication of Flavius engrossed the knowledge of even the meanest legal formalities. But these were feeble barriers against the inundation of riches poured in by conquest. For some centuries unavoidable penury preserved to the Romans almost the same simplicity in which the austere discipline of Lycurgus had fixed the Spartans. It was not until (17) the four hundred and seventy ninth year of Rome, after the complete reduction of Magna Grecia, upon the retreat of Pyrrhus, that they first coined silver money. One might trace the rapidity with which wealth flowed in upon them by observing the diminution of the ratio that silver bore to copper at different æras. Before the attempt of the Gracchi to invigorate the Licinian law, Rome had reduced the rich provinces of Sicily, Spain, Afric, Macedonia, and part of Asia. But the sudden importation of wealth by conquest has a more immediate tendency to subvert equality than that gradual and sober increase which is the fruit of commerce. This is diffused equably through all members of the community; the other is chiefly confined to the great military leaders and provincial magistrates. Thus the weight of superior property was added to the influence derived by the great families from the hereditary possession of honours. And as, from the natural propensity of the people to pay respect to the descendants of eminent persons, when not provoked by some accidental cause, or artfully inflamed against

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(17) *Populus Romanus ne argento quidem signato, ante Pyrrhum Regem devictum, usus est.* Plin. Hist. Nat. L. 33. c. 13.

thiem, honours had become traditional in the chief Plebeian families, the old distinction of Patrician and Plebeian merged in that of Nobiles and Novi: in this manner grew up a virtual aristocracy, germinating from democracy, and founded upon it. Though by the progress of wealth the Licinian law had fallen into desuetude, yet as it had not been formally repealed, it still lived in the prejudices and imagination of the vulgar: and hence arose the rash enterprize of Gracchus. I confine the censure to his law limiting possessions to five hundred acres, which, whatever able (18) advocates it hath lately found, was surely impracticable. For how could such restriction on the acquisition of land consist with an unlimited permission of acquiring other property? To introduce among a people corrupted by opulence institutions suited to more simple times, has ever been justly thought a visionary project. A legislator may palliate or redress the evil tendency of the prevailing manners, but ought to avoid a direct contradiction of them.

LED by this idea, an (19) ingenious modern has hazarded a conjecture on the state of the Spartans, when Lycurgus formed his plan of legislation. Believing it a task above the abilities of any legislator to prevail upon a people advanced in civilization to resign its most endeared advantages, domestic comforts, money, property, &c. he ventures to assert, that Lycurgus, finding his Spartans a tribe of savages ignorant of the comforts of society,

(18) Hooke's Rom. Hist. L. 6. c. 7.

(19) Browne on civil Liberty, Sect. 7.

ciety, brought them forward one degree towards humanity, and then by severe political institutions fixed them to that limited degree of improvement, jealously checking any further progress towards politeness, or, as it seemed to him, corruption. However plausible this conjecture is, yet it cannot be admitted; and the establishment of Lycurgus must continue the object of our unabated admiration. For, not to appeal to historic evidence, if we turn to Homer, the justest painter of manners in every nation he has described, and whose authority therefore has ever been held decisive, we shall find the Lacedæmonians distinguished from the other Greeks by a more refined luxury and a superior progress in the politer arts. In the fourth book of the *Odyssey*, Telemachus, who had seen the court of Pylus unmoved, astonished at the magnificence of the palace of Menelaus, calls thus on the companion of his travels to join with him in admiration :

Φράγεο, Νεισορίδη, τῷ μῷ πεχαρισμένε Θυμῷ,
 Χαλκὴ τε σεροπὴν καὶ δάματα ἡχίεντα,
 Χρυσᾶ τ', ἥλεκῆρε τε, καὶ ἀργύρου, ἥδ' ἐλέφαντο.
 Ζηνός πε τοιήδε γ' Ολυμπίας ἔνδοθεν αὐλή.
 Οσσα τάδ' ἀσπετα πολλάσ σέβας μ' ἔχει εἰσορόωνται.

Odys. L. 4. C. 71.

View'st thou unmov'd, O ever honour'd most,
 These prodigies of art and wondrous cost?
 Above, beneath, around the palace shines:
 The sumless treasure of exhausted mines,

The spoils of elephans, the roofs inlay;
 And studded amber darts a golden ray.
 Such, and not nobler, in the realms above,
 My wonder dictates, is the dome of Jove!

POPE.

THE enterprize of Gracchus was, as it might be expected, unsuccessful, and by its consequences contributed to fix more firmly the aristocratic faction.

As it is the nature of aristocracy to contract itself, the same influence that distinguished the few from the people forming a similar distinction among them, we find the whole weight of the Roman government gradually centring in a few leaders. The transition from this form to the government of a single person seems easy, and might be expected to take place sooner at Rome than in a state of a less military turn. Yet there were causes which prescrved for some time, though in a disturbed state, the continuance of the oligarchy. The necessity of a gradual progress to the supreme magistracies through a long train of subordinate honours, and still more, the law (20) which required in the candidates a certain age proportioned to the dignity and importance of the office sued for, contributed to render ambition less

(20) Rogatio a Villio tribuno lata, quot annos nati, quemque magistratum petent caperentque.
 Livi, L. 40. c. 44.

It appears from Cicero, that the consular age was 43: *Quid Macedo Alexander? cum ab incunte aetate res maximas gerere coepisset, nonne tertio et tricesimo anno mortem obiit? quae est aetas nostris legibus decem annis minor quam consularis.*

Cicero, Philipp. 5. n. 17.

less dangerous and enterprizing. Young men, rapidly elevated to the summit of constitutional ambition, would have hazarded attempts, at which others equally perhaps ambitious, but at an age of less temerity, hesitated. An aversion to the government of a single person had so long been the leading feature of the Roman character, that men could not easily be brought to think it extinct or conquerable even in a corrupted age; when that liberal simplicity of manners which had hitherto supported it, and could alone give it efficiency, no longer existed. That timidity which usually precedes unjust, important innovations held military commanders in their duty: and though in the conflict of contending factions several daring spirits were raised to a short possession of uncontrollable authority, yet Sylla alone seems to have acquired the power of establishing monarchy. To the domination of Sylla a short and uncertain twilight of republicanism succeeded; until at last, the causes subversive of liberty being matured, the bold hand of Julius seized the opportunity, and triumphed over all resistance: and though he fell a victim to the spirit of a few surviving Romans, yet his success enabled the cool and crafty inheritor of his claims to found tyranny so firmly as not to be shaken by the capricious cruelty of frantic successors.

L E C T U R E the FOURTH.

IT has been observed, that the gradual decline, and, at length, total and avowed violation of the Licinian laws had introduced a new species of aristocracy, not founded upon any constitutional distinction of orders with peculiar privileges, but arising from an inequality of wealth; and that the same causes which had contributed to devolve power upon a few individuals would tend to concentrate it finally in a single person. During the convulsions which attended this fluctuating period of the Roman state, several arrived at transient power; three are distinguished from the rest by a more permanent possession of it. Sylla, who first divulged the fatal secret that the Romans could bear a master, seems to have been led to the acquisition of supreme power by a train of accidents, not by any formed intention of erecting a monarchy. Thwarted in the pursuit of the honours usually conferred upon the chiefs of the aristocracy, he imbibed an implacable resentment against that party from which the opposition had flowed. A lust of power seems to have been but the subordinate motive of his actions; and accordingly, the master passion being gratified, it subsided. Having sated his vindictive spirit,

spirit, and established the power of his party upon a seemingly firm basis, he abdicated the sovereignty with a boldness, which by astonishing disarmed every power of retaliation.

He did not however foresee, that the felicity which had attended him would inflame that ambition which his sagacity had marked in the dissolute levity of young Julius. They who have examined Cæsar's conduct most attentively find it through life directed by an ambition of mastering his country. Lord Bacon indeed observes, "that natures which have much heat, and "great and violent desires and perturbations, are not ripe for ac- "tion until they have passed the meridian of their years; but that "reposed natures may do well in youth (1):" this remark he illu- strates by the example of Julius and Octavius Cæsar. Without controverting the truth of the general observation made by this sage contemplator of human nature, the justness of the ex- amples adduced may well be questioned. Difference of situation rather than of nature, great as it was, appears to have caused this variety of conduct. It is not from any irregularity or ex- travagant heat of nature that we must derive the inferior brilliancy of the first Cæsar's early life: his fire was at all times steady and vigorous; but it required length of time to pervade and convert into materials of future splendour that load of diffi- culties which checked its early exertion. Nature, who is suc- cessive in her bounty to other men, who afforts to each stage of life the talents suited to its exigencies, withdrawing these whose

(1) Bacon Essays civil and moral. Ess. 42.

whose time of action is passed, with a partial profusion poured upon this her favourite the united abilities of every period. In the civil struggles of his early youth we discover the address of maturity and experience; and the military exploits of his more advanced years were conducted with an ardent yet judicious celerity, not exceeded by the most adventurous youthful heroes. Julius must however be considered as the conqueror of his country rather than the founder of its monarchy: his active spirit delighted more in the pursuit than enjoyment of power; and we find his panegyrists lament his death as interrupting, not plans of civil policy, but projected schemes of conquest (2). To establish and regulate a monarchy was reserved for the reposed nature of Augustus: and as the model of government traced by him subsisted with little variation to the time of Dioclesian, it may be proper to give a more distinct view of it.

*Pace datâ terris, animum ad civilia vertit
Iura suum; legumque fuit justissimus auctor.*

INSTRUCTED by the fate of his uncle, he did not alarm the remaining republican pride by assuming the title of a magistracy which the salutary policy of ages had armed with terrors (3); much less did he aggravate the weight of authority by announcing

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(2) Vid. Dion Cass. L. 43. c. 51. concerning Cæsar's intended expedition against the Parthians.

(3) Dictaturam magnâ vi offerente populo, genu nixus, dejectâ ab humeris togâ, nudo pectore deprecatus est. Suet. Oct. c. 52.—Vid. Dion Cass. L. 54. c. 2.

ing its perpetuity. The state, exhausted and fatigued by civil discord, required repose (4); the disorders of more than forty years called for the lenient hand of a healing magistrate: to accept this friendly office seemed an act of patriotism; and the limited duration of the trust conferred promised a moderate use of it. By frequent renewal of his power upon plausible pretexts (5), he caused the Romans to glide into an habitual dependence upon him. That military influence, from which the essence of his power was derived, he studiously concealed: no circumstance however minute was neglected, which tended to divert attention from his military character. Thus the paludamentum, or war tunic, was never worn at Rome. He feared to be considered by his subjects as the commander of victorious legions cantoned amidst an enslaved people: he laboured to give his

(4) *Cuncta discordiis civilibus seffa nomine Principis sub imperium accepit.*
Tac. Ann. L. c. 1.

Non aliud discordantis patriæ remedium fuisse, quam ut ab uno regeretur.

Tac. Ann. L. 1. c. 9.

(5) Τῷ γὰρ ἔργῳ καὶ πάντων καὶ διατανῆσ αὐτὸς ὁ Καῖσαρ, ἄτε καὶ τῶν χρημάτων κυριεύων, καὶ τῶν σρατῶν κρατῶν, αὐταρχήσειν ἔμελλε. Τῆς γὰν δεκαετίας ἐξελθόσης, ἀλλα ἔτη πεντε, εἴτα πεντε, καὶ μετὰ τότο δέκα, καὶ ἔτερα αὖθις δέκα, πεμπτάκις αὐτῷ ἐψηφίσθη ὡς τῇ τῶν δεκετηρίδων διαδοχῇ διὰ βίς αὐτὸν μοναρχῆσαι.

Dion Cass. 53. 16.

To this is owing what we so frequently meet with in medals, the *Decennalia* of the Roman Emperors: who, though created for life, celebrated the renewal of the Imperial power, at ten years end, in imitation of this practice of Augustus.

Taylor's El. Civ. Law, p. 224.

his authority the firmest of all supports, a coincidence with the prejudices and early imbibed habits of thinking of the people. Augustus and his successors, it is true, are known to us by the title of Imperator: yet this name was not assumed at Rome; related not to the citizens, but merely to the soldiery (6). Among the citizens he appeared with the milder appellation of Princeps (7); a republican word, which had no annexed authority, implied no jurisdiction, but only that honourable superiority of rank which springs from pre-eminence in merit. All his political institutions were calculated to infuse an opinion, that the ancient government still subsisted: *eadem magistratum vocabula*, Tacitus observes. Sometimes accepting the office of Consul, he led the people to believe, that it still contained some real authority, as the participation of it was an accession of dignity

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(6) The reference of the several titles appears from the saying of Tiberius, that he was *Dominus servorum, Imperator militum, cæterorum Princeps*.

Dion Cass. L. 57. c. 8.

(7) *Non Regno, neque Dictaturâ, sed Princeps nomine constitutam rem publicam.*

Tac. Ann. L. 1. c. 9.

Hic ames dici pater atque *princeps*.

HOR.

In the republican times, the title of *Princeps* of the Senate was conferred upon the most eminent Consular Senator.

to Cæsar (8); and by sometimes (9) declining it, he appeared to give proof of a truly republican temper, ambitious of honours, yet unwilling to engross them. But as some enterprizing spirit, in possession of a title still venerable in the prejudices of the Romans, might excite dangerous disturbances, unless there existed some repressing power seemingly constitutional; he received from the senate a permanent consular authority (10), a provisional magistracy to be exerted when exigencies demanded it, similar to that plenitude of power with which, upon extraordinary occasions, in the times of the republic, it was customary to arm the Consul. Thus there were always three Consuls at Rome; two apparent and nominal; one latent, by whose sufferance

(8) This opinion long prevailed, as appears from the panegyrical poets,

Princeps *Consul* crescit. Paneg. Majorian. v. 288.

*Titulumne levem, parvique nitoris
Credimus, Augusti quem se decorare fatentur?*

Claud. in Conf. Stil. v. 288.

Even Julian seems desirous of supporting this notion:

Οὐδὲ ιδιώτης, καὶ Σασιλεύς ἐστι, ηγέροντος, ὃς οὐ ζηλωτὸν ἐνόμιζεν ὑπατο-
ἐνομασθῆναι. Orat. 3. p. 103.

(9) Multos gessit Consulatus, multisque cum deferrentur recusatis.

Suet. Oct. c. 26.

(10) Τὴν δὲ τῶν ὑπάτων διὰ βίς ἐλατεν· ὥσε καὶ ταῖς δώδεκα ἡβαῖς
δοῖς αὖτις καὶ πανταχοῦ χρῆσθαι, καὶ ἐν μέσῳ τῶν αὖτις ὑπατενόντων ἐστὶ τῇ
ἀρχικῇ δίφρᾳ καθέξεσθαι.

Dion Cass. L. 54. c. 10.

ference they abdicated, and by whose will they were controllable (11). This high prerogative, however, he did not ambitiously display to the view of the citizens, but concealed it as much as its nature would permit, never inserting it among his titles (12). To deprive the people of the right of electing Consuls was unavoidable. From the loss of this fundamental privilege he studied to divert their attention by an act of seeming heroism; the first person nominated by him to that office having been the intimate friend and follower of Brutus (13). But by no act of compliance with the prejudices of the people did he so successfully conciliate their affections as by accepting the Tribunitian power (14); thus declaring himself the depositary of their rights, the guardian and protector of their persons. By a deviation from his usual course of conduct in the manner of accepting this office, he strongly marks the craft and artifice of his character. All other powers were granted to him for a limited term;

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(11) Vid. Memoirs de l'Acad. des inscrisp. Tom. 24. p. 289.

(12) As appears from his medals. Vid. Spanheim de Numism. Tom. 2. p. 463.

(13) Ἐπανού ἔσχε καὶ ὅτι Λούκιον ἀνθ' ἔαυτῆ Σῆσ.ον ἀνθείλετο, ἀεί τε τῷ Βρέτῳ συσταθάσαντα, καὶ ἐν πᾶσι τοῖς πολέμοις συστατεύσαντα, καὶ ἔτι καὶ τότε καὶ μνημονεύσαντα αὐτῆ, καὶ εἰκόνας ἔχοντα, καὶ ἐπαι-
γες ποιήμενον.

Dion Cass. 53. 32.

(14) Ignaræ plebis captavit gratiam, quasi suscepto munere plebeio suam Princeps plebi dignitatem impertiisset. Grav. Jur. Civ. p. 137.

Ad tuendam plebem Tribunitio jure contentum.

Tac. Ann. L. 1. c. 2.

the tribunitian alone was conferred on him for life (15); as if his republican modesty, which submitted to a temporary accumulation of honours in order after regulating the state to restore its ancient government, could only be overcome by his zealous affection for the people, to whose service he thus perpetually devoted himself. But besides the flattery of the people, weighty reasons, drawn from his plan of government, induced him to desire this office. His power was indeed absolute and irresistible; but he wisely laboured to colour every interposition of it with a republican appearance, that each act of sovereignty should appear to flow from the acknowledged authority of a legal magistrate (16). As tribune of the people, he possessed a negative upon the resolutions of the senate: the tribunitian intercession, by which the people had maintained and indeed acquired their rights, thus becoming by a change of circumstances an instrument of servitude. Even when the imperial power was confirmed by length of time, the tribunitian authority was deemed important; and from it the Roman lawyers derive Cæsar's right of receiving appeals from every judicial magistrate and tribunal; that

(15) *Tribunitiam potestatem perpetuam accepit.*

Suet. Oct. c. 26.

(16) *Tribunitiam potestatem — id summi fastigii vocabulum Augustus repperit, ne Regis aut Dictatoris nomen assumeret, ac tamen appellatione aliquâ cætera imperia præmineret.*

Tac. Ann. L. 3. c. 56.

Princeps, ut ferocis populi offensionem declinaret, et legitima imperia videretur exercere, præcipiebat sibi magistratus majores; unde imperia principis non certæ personæ jussa, sed plurium magistratum auctoritates reputabantur.

Gray. Jur. Civ. p. 133.

that right of the people upon the extinction of their assemblies being transferred to their representative and permanent tribune (17). It must not be omitted, that by being invested with this magistracy he acquired a character of sanctity: every violation of his person was not only a high crime against the state, but an act of execrable sacrilege. And how powerfully superstition may be directed to the purposes of government, Augustus shewed he was not ignorant, when he assumed the superintendance of its ceremonies as grand pontif. From this enquiry it appears, that Augustus did not wish to be considered by his new subjects as an absolute monarch, in whom the simple undivided authority of the state personally resided; but as the first citizen, occasionally invested with an assemblage of many magistracies. Prince of the senate, and tribune of the people, he became the point of union of the orders, whose equilibrium he fixed: commander of the armies of the state; consul, regularly as other senators; possessing however a permanent and extraordinary consular authority, conferred legally upon him; and, as grand pontif, superintendant of religion (18). By such artifices he reconciled the Romans to a real military tyranny; until at length the imperial power, confirmed by time, required

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(17) *Vid. Mem. de l'Acad. des inscr. Tom. 25. p. 392. & seq.*

(18) It may be observed, that he also exercised the Censorian power, as *Præfector* *morum*: that, as *Proconsul*, he commanded in the provinces. He assumed the affectionate title of *Pater Patriæ*; and thus by the fiction of a tender relation to his people, softened the rigour of his despotism. Even the cognominal appellations of Augustus and *Cæsar* were not unimportant: the first implied the consecrated majesty of his person; the other, the hereditary transmission of his dignity.

no such support.----These observations might perhaps not unusefully be extended through the remaining part of Roman history; but would detain us too long from modern history, the more immediate object of these lectures: before our entrance upon which, permit me to premise one reflection, which, attended to in our progress through history, seems to me likely to render the study of it more profitable.

THERE are two opinions current in the world, each supported by numerous advocates. Men of speculation, warm admirers of antiquity, whose retired lives have suffered a virtuous sensibility to degenerate into spleen, usually inveigh against the age in which they live, as exceeding in depravity most, or all, that have preceded it: while men hackneyed in the world think it a sufficient answer to assert, that all times are equally vicious. Both these opinions will be found by a judicious reader of history equally remote from truth. He will not, contented with a chronological arrangement of facts and characters in his memory, suffer them to be compressed together in his imagination; nor found a charge of superior corruption against the age in which he lives, because he does not find united in it the virtues scattered through many centuries: nor will he infer the uniform equality of vice in every age from observing, that every set of manners has its mixture of vice, and that the simplicity of virtuous ages sometimes admits immoral practices, inconsistent with the refinement of more corrupted times. He will observe indeed an *orbis vitiorum*, a circulation of vices, but not always flowing with the same fulness and rapidity. He will see nations emerg-

emerging, improving, refining, degenerating, and sometimes renovating their vigour. A judicious critic observes concerning language, that in its progress there occurs an æra placed between rude simplicity and excessive refinement, when it is vigorous, though not barbarous; polished without being emasculated (19). A similar period is found in the history of manners, when the virtues retain the energy, though they have lost the sternness of early times; when the manners are softened, yet not enervated. This analogy is extended by observing, that both periods may be lengthened or restored by the same means, a judicious imitation of classical originals. The refutation of the above opinions is of interesting importance. The best preservative of moral health is a constant attempt to improve it: but these opinions lead to despair of amendment, or to acquiescence in our present state. He who holds, that the quantity of vice is at all times equal, will submit to corruption as a physical evil, springing from the necessity of our nature, and incapable of correction: on the other hand, too highly coloured pictures of vice are equally unfriendly to reformation. The moral discipline of associated men differs little from that of an individual. But would we induce a single person to begin an amendment of life, we ought indeed to present to him a faithful and undisguised view of the vices under which he labours; but surely it would be imprudent to direct his entire attention to them. It is as necessary to persuade the practicability, as to enforce the duty, of amendment.

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An opinion that we possess some virtue is an opinion that we have some ability of reformation. Without a proper station we should in vain attempt to move the mass of depravity. Every virtue, as it assists the cultivation, so it facilitates the acquisition of the rest.---I hope I shall not seem in this reflection to have strayed too far from my proper office: moral improvement ought to be the great end of all our studies; especially of that, which claims to be called "philosophy teaching by examples."

T H E E N D.

